

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2300.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF CANNED TOMATOES.

On October 14, 1912, the United States Attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of canned tomatoes, remaining unsold in the original unbroken packages and in the possession of H. W. Schleutker & Co., Covington, Ky., alleging that the product had been shipped from the State of Maryland into the State of Kentucky, and charging misbranding in violation of the Food and Drugs Act. The product was labeled: (On cases) "Wheatland Brand, extra fancy Tomatoes. Wheatland brand, packed by the South Lebanon Preserving Co., South Lebanon, Ohio. Fancy hand packed in sanitary cans, guaranteed by the South Lebanon Preserving Co. under the Food and Drugs Act, June 30, 1906. Serial No. 39117." (On cans) "Wheatland Brand, extra fancy Tomatoes. Wheatland brand packed by the South Lebanon Preserving Co., South Lebanon, Ohio. Fancy hand packed in sanitary cans guaranteed by the South Lebanon Preserving Co., under Food & Drugs Act June 30, 1906. Serial No. 39117."

Misbranding of the product was alleged in the libel for the reason that it was labeled as set forth above, which said brands said and indicated that the tomatoes were manufactured and packed by the South Lebanon Preserving Co., South Lebanon, Ohio, and that said company was the manufacturer thereof, when, in truth and in fact, the product was not manufactured by the South Lebanon Preserving Co., but was manufactured and prepared at Millington, in the State of Maryland, and the brands contained thereon were false and misleading.

On November 22, 1912, the said South Lebanon Preserving Co., claimant, having filed its claim for the goods, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimant upon payment of all costs of the proceeding and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 1, 1913.*